



## Romania

### Country Reports on Human Rights Practices - [2004](#)

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Romania is a constitutional democracy with a multiparty, bicameral parliamentary system, a prime minister who is the head of government, and a president who is the head of state. Traian Basescu was elected President on December 12 in elections characterized by irregularities, but which were judged generally free and fair. At year's end, Basescu appointed center-right a Liberal-Democratic (PNL-PD) Alliance leader, Calin Popescu-Tariceanu, as Prime Minister to lead a new government composed primarily of the PNL-PD, the Democratic Alliance of Hungarians in Romania (UDMR), and the Romanian Humanist Party (PUR). This followed four years of government led by Social Democratic Party (PSD) Prime Minister Adrian Nastase and President Ion Iliescu. The Constitution provides for an independent judiciary; however, in practice, the judiciary remained subject to political influence. Widespread corruption remained a problem, although the Government took initial, but only partial, steps to address the problem.

The National Police are primarily responsible for law enforcement, the Gendarmerie for preserving public order, and the Border Police for maintaining border security. The Ministry of Administration and Interior (MOAI) supervises these organizations. The military has primary responsibility for protection against external threats. An internal intelligence service assesses threats to national security but has no law enforcement powers. Civilian authorities maintained effective control of security and intelligence organizations, although some concerns were expressed regarding the possible misuse of intelligence agencies for political purposes. Some members of security forces committed serious human rights abuses.

Romania is a developing country in transition from a centrally planned to a market economy with a population of approximately 21.7 million. Economic activity was primarily in the manufacturing, agriculture, services, and energy sectors. For the year, the economy grew approximately 8 percent, and the inflation rate was 9.3 percent. Average monthly gross salaries rose by 23.6 percent as compared to the same period in 2003.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police officers sometimes beat detainees and reportedly harassed and used excessive force against Roma. While some progress was made in reforming the police, cases of inhuman and degrading treatment continued to be reported. Investigations of police abuses generally were lengthy and inconclusive, rarely resulting in prosecution or punishment. While civilian courts had jurisdiction over National Police abuses, abuses by other security forces remained in the military court system, where procedures were unnecessarily lengthy and often inconclusive. Prison conditions remained harsh and overcrowding was a serious problem; however, conditions improved somewhat. At times, authorities violated the prohibition against arbitrary arrest and detention.

Government action and inaction at times restricted freedom of speech and of the press. During the year, there was a pattern of intimidation, harassment, and violence against journalists who wrote critical reports on government activities or government and ruling party officials. Religious minorities complained of discriminatory treatment by authorities. Societal harassment of religious and sexual minorities, violence and discrimination against women, and restitution of property confiscated during the Communist regime remained problems. There were large numbers of impoverished homeless children in major cities. Trafficking in women and girls for the purpose of prostitution was a problem that the Government increasingly took steps to address. Discrimination and instances of societal violence against Roma continued. Child labor abuses continued. There were reports of government interference in trade union activity.

## RESPECT FOR HUMAN RIGHTS

### Section 1

Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

There were no politically motivated killings by the Government or its agents; however, there was one possible extrajudicial killing. In May, police shot and killed unarmed 31-year-old Nicusor Serban in Jegalia (Calarasi County) when he refused to stop

after a police warning. Police were attempting to detain Serban on rape accusations. At year's end, the case was under continuing investigation by the police authority and the prosecutor's office of Calarasi County.

In December, outgoing President Ion Iliescu pardoned former miners' leader Miron Cozma, who was sentenced in 1999 to 18 years in prison for leading 1991 riots that led to the deaths of at least three persons and the wounding of many others. Widespread public opposition prompted Iliescu to rescind Cozma's pardon. Upon Iliescu's decision, authorities took Cozma into custody again and also booked him on separate charges.

In the past, police used excessive force that led to the deaths of citizens. Police authorities eventually decided that police officers were not responsible for the killing of prisoner Mihai Iorga, although an autopsy established that trustees and police officers beat him to death in 2002.

The nongovernmental organization (NGO) Roma Center for Social Intervention and Studies (Romani CRISS) continued to investigate the 2002 death of Nelu Balasoiu, a Romani man who was found dead in Jilava prison near Bucharest. In March, Balasoiu's family, Romani CRISS, and another NGO, the Association for Defending Human Rights in Romania-Helsinki Committee (APADOR-CH), appealed the December 2003 decision of the prosecutor's office not to open an investigation of the police officers involved in the case because the Balasoiu death had allegedly been due to health reasons. In June, a court of appeal in Craiova sent the file to the prosecutor's office for further investigation.

In October 2003, the Supreme Court gave 10-year prison sentences to two former agents of the disbanded security service for the 1985 beating death of dissident Gheorghe Ursu.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there were credible reports that police beat detainees and used excessive force. Human rights organizations have cited numerous reports of police torture and mistreatment.

The law allows the use of firearms against persons fleeing arrest. In January, Bucharest police shot and wounded 22-year-old Marius Silviu Mitran after he failed to obey a police officer's order to stop his vehicle after committing a traffic infraction. Human rights organizations concluded that Mitran was injured due to the careless use of weapons in violation of the law. The case was under investigation by the Bucharest Prosecutor's Office at year's end.

In March, police from the Bucharest 14th precinct and members of the rapid intervention police squad allegedly physically assaulted a 15-year-old bystander, Cristian Bujor, who was passing by an incident between the police and a group of taxi drivers. The minor was hospitalized for only a day and a half, and the family suspected his early discharge was due to police pressure. The case was under investigation by the Bucharest Prosecutor's Office at the end of the year.

In June, a policeman allegedly physically assaulted a 12-year-old boy in Fetesti for having allegedly vandalized his car. Although police showed reluctance to open an investigation into the assault case, eventually the Fetesti Prosecutor's office began an investigation, which was ongoing at year's end.

In August, two members of the Service for Protection and Guard physically assaulted State Secretary on the National Audiovisual Council (CAN) Serban Pretor after forcing his car off the road in an apparent road rage incident. Police again hesitated to start investigations. The head of the local police in Medgidia was dismissed after he made public the identity of the assailants. Following broad media coverage of the case, authorities transferred the two assailants to reserve duty and sent the case to a civil court on the grounds that they were not on duty at the time of the incident. The lawsuit was still in progress at year's end.

Romani NGOs continued to claim that police used excessive force against Roma and subjected them to brutal treatment and harassment. In January, the head of a local police station and three civilians reportedly subjected a Romani couple, Stella and Sofron Varga, to verbal and physical violence in the village of Banisor, Salaj County. According to Romani CRISS, a police officer accosted the couple, who were selling wares with a valid sales permit, and demanded free goods for allowing them to continue their activity. The couple protested, and the situation became violent. After the woman filed a complaint, the Police Inspectorate of Salaj County concluded that the head of the police station was not at fault and that the police should investigate two civilians for their alleged violent actions.

In July, two police and five members of the police Intervention and Special Operations Squad (DIASS) entered the Romani community in the village of Valu lui Traian, Constanta County, and beat community members with clubs during a search for suspects in connection with an altercation between two Romani individuals and a neighbor. Thirteen Roma were injured in the alleged assault. According to Romani CRISS, the mayor threatened to expel the victims from the village if they filed complaints or wrote declarations against the police.

During the year, a county-level Council of Discipline of the Police Inspectorate found a plainclothes officer innocent in the June 2003 beating of Mihai Dumitru during a raid in Tulcea. The MOAI initially acknowledged the officer's guilt and proposed the Council of Discipline punish him according to the Police Officer's Status Law. The prosecutor's office referred the case to court for criminal prosecution, which was still in process at year's end. There were no developments in other cases reported in 2003, including: The physical assault by police on a married Romani couple in Simleul Silvaniei, Salaj County; the physical assault by an intoxicated police officer on 19-year-old Lucian Lacatusu in Parancea, Buzau County; and the alleged June police attack on four Roma from one family.

At year's end, the case of Mugurel Soare, against whom a police officer allegedly used excessive force, and Adrian Georgescu, a gay man who was harassed and subsequently left the country, were still before the European Court of Human Rights (ECHR).

Lesbian and gay rights NGOs complained that police singled out members of this community for violence and harassment and noted that few victims pursued charges due to fear of harassment by the local community and police or the belief that authorities would not carry out unbiased investigations.

Prison conditions remained harsh. There were 43 penal units, including 34 prisons, 6 prison hospitals, and 3 juvenile detention facilities. Overcrowding remained a serious problem, although there was a slight improvement over 2003. As of November, 39,629 persons, including 816 minors, were in prison or juvenile detention facilities, while the legal capacity of the system is 38,856.

Human rights organizations reported that the abuse of prisoners by authorities and other prisoners continued to be a problem. Human rights organizations alleged that the practice of giving certain privileges to an "elected representative" in each cell discriminated against the rest of the prison population. Such organizations also criticized the prison punishment system, stating that it has little positive impact for societal rehabilitation of the inmates. The Government undertook some efforts to alleviate harsh conditions, including partnerships with NGOs on rehabilitation programs for inmates and training courses to deter drug use and the spread of HIV/AIDS and tuberculosis.

In June, 24-year-old Ionut-Cristinel Maftai, who was serving a 5-year term for theft in prison in Iasi, entered a coma and died following a serious head injury received in his cell under unclear circumstances. Suspecting the involvement of the cell supervisor (a prison employee), Maftai's family filed a complaint against him with the Military Prosecutor's Office in Iasi in July.

Due to limited space available in the prison system, detainees awaiting trial were sometimes held in the same facilities as convicted prisoners. Conditions were roughly the same for both (same food, types of cells, etc.), but detainees were usually segregated from the general prison population and enjoyed more frequent access to visitors and generally free access to legal representatives.

Men and women, adults and juveniles, and pretrial detainees and convicted criminals were usually held separately.

In June, Parliament passed two new laws on prisons: One that modernizes the prison term system, and a second, on the status of prison cadres, that requires the demilitarization of prison staff.

The Government permitted prison visits by human rights observers and media representatives. The General Directorate for Penitentiaries reported that there were 7,127 individual or group visits by media and domestic and foreign NGOs to penitentiaries during the year.

#### d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The MOAI commands the National Police and the Gendarmerie as well as the Border Police, Alien Authority, National Office for Refugees, General Direction of Information and Internal Protection (classified information management), Special Protection and Intervention Group, and the Special Aviation Unit. The police are organized into the General (i.e., National) Police Inspectorate, the General Police Directorate of Bucharest, 41 county-level police inspectorates, a Directorate of Transportation Police, and 3 educational institutions for the training of policemen. Counties are responsible for police units located within their respective geographic areas.

While the police generally followed the law and internal procedures, corruption was a continuing problem. Low-level corruption, the omnipresent small bribe, was a main cause of citizens' lack of respect for the police and contributed to a corresponding lack of police authority. Extremely low salaries (sometimes not paid on time) contributed to the susceptibility of individual law enforcement officials to bribes.

The Government addressed these problems by increasing training to create a more professional police force and by punishing corruption. During the first half of the year, 96 police (of whom 26 were officers and 70 were agents) were found to have engaged in misconduct, resulting in 197 sanctions (of which 53 were for officers and 144 for agents). At the end of June, 12 police (4 officers and 8 agents) were undergoing criminal prosecution.

In April, the Government enacted a code of ethics for police officers that provides strict rules for the professional conduct of law enforcement. It specifically addresses corruption, use of force, torture, and illegal behavior and requires all law enforcement officers to follow the human rights provisions of the Constitution and international conventions. Unlawful or abusive acts may trigger criminal or disciplinary sanctions. In conjunction with the code of ethics, the Government created a permanent commission within the MOAI to monitor compliance with the code.

The police reform and demilitarization process continued during the year. In September, the Government issued a decision that would continue reform of MOIA internal affairs and control structures by creating a new Anticorruption and Professional Standards Department within the Intelligence and Internal Protection Directorate. In September, Parliament adopted a law on the organization and operation of the judicial police, who handle all criminal investigations. The law established a new police structure with double subordination, administratively to the MOAI and operationally to prosecutors trying individual cases. In October 2003, the Statute of the Police Officers was amended by a government ordinance detailing disciplinary actions against police officers, including suspension from active duty during criminal investigations.

The Constitution provides that only judges may issue arrest and search warrants. A judge may order temporary detention for periods of 30 or 60 days, depending upon the status of the case. The court may extend these time periods; however, pretrial detention cannot exceed 180 days. Pretrial detention counts toward sentence time if a detainee is convicted. Courts and prosecutors may be liable for unjustifiable, illegal, or abusive measures. The law requires authorities to inform those arrested of the charges against them and their legal rights. Police must notify detainees of their rights in a language they understand before obtaining a statement. In general, the proper authorities issued arrest warrants. The law provides for a bail system; however, it was seldom used in practice, reportedly because those who requested release on bail did not meet the legal requirements. Detainees generally had access to counsel and their families.

The law allows police to take any person who endangers the public, other persons, or the social order and whose identity cannot be established to a police station. Police often used this provision to detain persons up to 24 hours. Minors who are at least 16 years of age are subject to arrest for all offenses; minors between the ages of 14 and 16 are subject to preventive arrest if shown to have full mental capacity, but only in cases involving serious felonies and exigent circumstances; minors under the age of 14 cannot be criminally prosecuted. Under the law, the Government is obligated to provide legal counsel to minors who are detained or arrested during a criminal investigation or trial. The confidentiality of discussions between detainees and their lawyers was generally respected in practice.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, members of the judiciary alleged that judges have been subject to political pressure.

In October 2003, the Constitution was amended to increase the role of the Superior Council of Magistrates (CSM) in selecting, promoting, transferring and disciplining "magistrates," a term that includes judges and prosecutors. The membership of the CSM was expanded from 17 to 19, and the Justice Minister was removed from the chairmanship of the council. At the end of September, three laws came into force that further implemented the amendments related to the judiciary by regulating the composition and role of the CSM, regulating magistrates' careers, and regulating the organization of the judiciary. These laws confirm the CSM's control over its members while retaining the Ministry of Justice's responsibility for administrative and budgetary matters.

In early December, elections for positions on the CSM were marred by accusations that some candidates pressured and intimidated their subordinates to vote in their favor. Other magistrates and civil society groups asked the Senate not to validate the results and to call for new elections. The Association of Romanian Magistrates filed an official complaint with the Senate regarding the appointment of the two civil society representatives, claiming they did not have the background, experience or moral stature to be credentialed members of the CSM, but rather received the nomination due to their loyalty to the then governing PSD party. The Senate had not acted on this matter by year's end.

The Government took some steps to fight corruption among officials, including members of the judiciary (see Section 3).

The law establishes a four-tier legal system, including appellate courts. Defendants have final recourse to the High Court of Cassation and Justice or, for constitutional matters, to the Constitutional Court. A prosecutor's office is associated with each court. The SCM nominates a candidate for General Prosecutor, whom the President appoints. The General Prosecutor is operationally independent from other members of the executive branch, including the Minister of Justice. The law permits the use of the native language of minorities in courts or with authorities.

The law provides for the investigation by civilian prosecutors of crimes by the National Police. Military prosecutors continue to try cases that involve "state security," and the Gendarmerie and Border Police continue to fall under military jurisdiction. Human rights NGOs noted that cases involving military personnel and the police continued to be tried by military courts. Military court investigations of police abuse were lengthy and not followed by further court actions. Local and international human rights groups have criticized the handling of cases by military courts, claiming that military prosecutors' investigations were unnecessarily lengthy and often inconclusive.

The law provides for the right to a fair trial; however, a widespread perception of judicial corruption remained. Trials are open to the public. The law does not provide for trial by jury. The Constitution provides for a right to counsel and a presumption of innocence until a final judgment by a court. The law requires that an attorney be appointed for defendants who cannot afford legal representation or are otherwise unable to select counsel; in practice, local bar associations provided attorneys to the indigent and were compensated by the Ministry of Justice. Both plaintiffs and defendants have a right of appeal. The law provides that confessions extracted as a result of police brutality may be withdrawn by the accused when brought before the court; the practice of extracting confessions through beating occurred occasionally in the past. There were no reported incidents of confessions resulting from police beatings during the year. The judicial system tended to be inefficient and slow.

There were no reports of political prisoners.

Restitution of church, communal, and individual property remained a serious problem marked by a cumbersome administrative process and slow return of property to owners. During the year, approximately 1,000 buildings, out of 128,000 claims, were restored to their former owners under the 2001 law that provides for the restitution of personal dwellings or buildings confiscated during the Communist regime. Approximately 15,000 properties have been returned since the law was enacted. Property restitution was particularly important for the Greek Catholic Church, which had all its properties, including churches, confiscated during the Communist regime. During the year, the Government took few steps to restore these properties, returning to the Church only 50 properties out of 2,207 claims under the 2002 law to restore confiscated church property. In the case of individual properties, the ECHR has ruled on 44 property restitution cases in favor of the former owners who either had been wronged in court or denied restitution on various grounds; one of these rulings occurred during the first half of the year. The Government generally respected ECHR rulings.

In March, Parliament adopted a law establishing guidelines for the restitution of properties confiscated from ethnic groups during the Communist regime. The Jewish community was expected to benefit both from religious and ethnic property restitution laws.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits illegal searches. During the year, constitutional amendments entered into force that shifted the responsibility for issuing search warrants from prosecutors to judges. Human rights organizations and jurists continued to study the potential impact of these amendments on investigations conducted for national security purposes. Previously, the law allowed security officials to enter residences without authorization from a prosecutor if they deemed a threat to national security to be imminent. Such actions were historically rare.

The Constitution protects the privacy of legal means of communication; however, the law permits the use of electronic interception in both criminal and national security cases. In January, the Criminal Procedural Code was amended to shift responsibility for authorizing electronic interceptions from prosecutors to judges and require electronic interceptions in criminal cases to be conducted under the direction of a prosecutor. Nevertheless, the equipment to conduct such interceptions remained under the control of the Internal Intelligence Service (SRI), to which prosecutors did not have direct access.

For practical purposes, the SRI physically conducted all electronic interceptions. Previously, the law allowed the SRI to monitor communications after obtaining authorization from the "public prosecutor specially appointed by the General Public Prosecutor" for activities involving national security threats. In November, a new law on terrorism was enacted that creates a special procedure for authorizing electronic interceptions in national security cases and cases involving terrorist acts. The government institutions with competence in the field of national security must forward a written request for authorization to the General Prosecutor. If the request is found justified, the General Prosecutor submits it to the president of the High Court of Cassation and Justice. The final decision is taken in chambers by a group of specially designated judges. The warrant cannot exceed 6 months, but it may be extended by 3 months several times in justified situations. Special judges designated by the president of the High Court of Cassation and Justice must also approve any extension.

In exceptional circumstances (when there is a clear and present danger to national security), government institutions may begin interception without a warrant issued by the judiciary. Following this, however, a request for authorization must be submitted within 48 hours. In practice, the SRI continued to operate under its prior legislative authority. The SRI may legally engage in surveillance, request official documents or information, and consult with technical experts to determine whether a situation constitutes a threat to national security or to prevent a crime.

The law permits persons who were citizens after 1945 access to secret police files kept by the Communist government. A council approved by Parliament reviewed files and released the information unless it involved state secrets or threatened national security. The files remained in intelligence service custody. Observers criticized the law for exempting files of current intelligence service employees from review and for restricting the definition of "informant" to an individual who received payment for services, making impossible the identification of individuals who collaborated with the Securitate for other reasons, such as personal advancement or ideological commitment. The release of files in 2003 was impeded by the inability of the lustration council to meet with a quorum of members. The consistent absence of PSD and PRM members gave rise to speculation that neither of these parties desired to see progress in the release of files. During the year, the council's activity was slow and ineffective, in large part due to the inconsistent attendance by PSD and PRM members.

Under the law, foreign citizens of certain states, primarily less developed countries, must report their presence to police if they stay in private accommodations for 10 days or longer.

Romani NGOs monitored several cases of eviction of Roma living illegally on public land in Buzau, Galati, and Tulcea counties. In these counties, local authorities forced Roma found living illegally to relocate to their home counties. Romani activists disputed the legal grounds for these actions but did not pursue a legal remedy. There was also no action taken on the 2003 eviction of several dozen Roma living illegally on the outskirts of Bucharest's Militari district.

## Section 2

### Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, certain legal prohibitions against "defamation of the country" and "offense to authority" potentially limited these rights. Romanian Public Television (RTV)--composed of four national stations--reportedly maintained internal rules that prohibited its journalists from speaking freely about political pressure and censorship. Print media also reported that job contracts at some private television stations also prohibited journalists from speaking freely about political pressures in news reporting or commentary. Journalists continued to be sentenced by courts for their articles and opinions. Investigations of violence and threats against journalists moved slowly.

Journalists and private citizens could generally criticize the government authorities, including those at senior levels, but there were a number of cases of local authorities intimidating their critics rather than responding to serious issues in substance. In addition, many media outlets--electronic and print--reportedly had substantial tax arrears. Media watchdogs alleged that fear of government audits and punitive tax actions to collect these arrears inhibited negative coverage of leading government figures.

Watchdog groups also expressed concern that the Government could exert pressure on the media through the advertising fees paid by state-owned companies. Representatives of NGOs such as the Center for Independent Journalism (CIJ) and Media Monitoring Agency (MMA) said that, by directing public funds toward certain media outlets, the Government could effectively control the content of media reports. The CIJ requested the former PSD Government to provide information about such fees and contracts by ministries or state-owned agencies for advertising in specific media outlets, as they involved public money. When the Government did not provide the information, the CIJ sued it with the support of lawyers provided by the Romanian Helsinki Committee. On October 25, the Bucharest Appellate Court ordered the Government to provide the CIJ information about advertising contracts; however, the Government had not produced the information by the year's end.

Independent media grew in an increasingly competitive market. Several hundred daily and weekly newspapers were published. Foreign news publications may be imported and distributed freely, but high prices limited their circulation. Several private television stations broadcast nationwide, and there were numerous other private local television and radio stations. More than four million households had cable television, giving significant portions of the population access to private and foreign broadcasts. State Television (RTV), state-owned Radio Romania (SRR), and the Europa FM radio network remained the only national broadcasters able to reach the majority of the rural population. Independent stations continued to enlarge their coverage by over-the-air, cable, and satellite transmissions.

Television remained the most widely available source of information, with almost 80 percent of the population obtaining their information from television newscasts. In the spring, the CNA released a report showing that 92 percent of the population watched television, almost 70 percent of them every day, for a daily average time of almost 4 hours. Approximately 95 percent of viewers watched the main newscasts on almost a daily basis. The report also showed that 66 percent of the adult population listened to radio and that over 90 percent of households had at least one television set.

The print and electronic media generally reflected the political views of their owners and covered a wide range of the political spectrum. Private television stations tended to avoid direct criticism of the PSD Government and the former ruling party, particularly on corruption or other controversial issues. Media monitoring reports suggested that this reluctance was due to owners' fears that the Government would retaliate by seeking back taxes or auditing stations. Media NGOs such as the MMA and CIJ reported that primetime newscasts of the main national television and radio networks were generally biased in the former governing party's favor. MMA reports showed that the electronic media's flagship daily newscasts most heavily covered the ruling PSD and its president Adrian Nastase, who at the time was also Prime Minister, and almost always portrayed them in a positive context. This was particularly notable during the presidential and parliamentary campaigns. A MMA report showed that, in most television and radio prime time news from October 21 to November 3, the PSD presidential candidate was most frequently associated with acts deemed positive, while the opposition candidate was generally associated with acts deemed negative. NGOs also reported that broadcast media substantially failed to cover allegations of fraud in the November 28 parliamentary and first round of presidential elections.

In March, the CNA prohibited a radio spot by the Bucharest daily newspaper *Evenimentul Zilei* that referred to acts of corruption involving then ruling PSD political figures featured in the newspaper's articles. The council asserted that the spot represented indirect political campaigning. *Evenimentul Zilei* asserted that the ban was a form of censorship exerted by the PSD through the council.

During the local election campaign, on June 6, the PSD filed a complaint against a private radio network, Radio Total, for a critical statement made by an NGO representative who was a guest on an election day program regarding the situation in her Bucharest neighborhood. Although the guest did not mention the name of the PSD mayor of the city sector, the ruling party

considered the statement "a negative campaign for their candidate" on election day, when campaigning and other politically motivated activities were not legally permitted. The CNA fined the station. Two plainclothes police officers visited the station, stating they had come to "personally" deliver the PSD's complaint and speak with the reporter who interviewed the NGO representative. Evenimentul Zilei reported that it had similar experiences with police authorities.

Parliamentarians and their political allies purchased numerous independent media outlets in the provinces. In the spring, the respected financial magazine Capital published research indicating that politicians from the then governing PSD owned and controlled half of local television stations, either directly or through alleged intermediaries. The research commented that the only way a small local television station could survive was to reflect the political orientation of its owner, which enabled it to attract more advertising revenue to help deal with its financial problems. The research quoted sources as saying that local businesspeople in many regions were afraid to advertise in independent media outlets because they could suffer retaliation by financial authorities as the result of PSD pressure. Several British Broadcasting Company (BBC) affiliate stations, subsequent to their purchase, cut off BBC Romanian Service news programs, allegedly due to PSD pressure. Media watchdog groups warned numerous times about the lack of independence in many local media outlets, mostly due to financial constraints and pressure from local authorities.

During the year, threats and physical violence against journalists continued. There were reports of harassment, intimidation, various forms of pressure, and violence against journalists who were perceived as overly critical of national and local authorities. Some of this pressure allegedly occurred with at least tacit support of government and party officials. According to a MMA survey released in November, 60 percent of journalists polled reported having been pressured at some point by authorities to stop investigative reporting or to refrain from publishing the results.

The media reported several instances in which journalists from local newspapers received threatening telephone calls or had their finances subjected to scrutiny by local officials after they revealed alleged illegalities committed by local officials, such as their building luxurious villas or participating in businesses or activities that were subject to conflict of interest legislation.

In addition, the media reported cases of journalists who were videotaping various events, including arrests or investigations, being assaulted by local authorities or by relatives or acquaintances of the persons being filmed. Such incidents occurred in public places, including court buildings; the media reported that gendarmes and police frequently did not intervene. Some journalists in the provinces continued to face verbal harassment and even violent treatment from local authorities.

The MMA reported that in February, Hungarian-based journalist Zsolt Bayer, from the Hungarian publication Magyar Nemzet, was prevented from entering the country by border authorities. The authorities refused to state the reason for their actions, although Bayer was well known for his reporting in support of regional autonomy for ethnic Hungarians living in the country.

In March, magistrate Filip Victoria physically attacked Emil Soldan, a journalist from Orizont newspaper in Pascani, at the local city hall while Soldan was taking photos. Soldan had previously written several critical articles about the judge, accusing him of making personal profit from his position.

Also in March, Catalin Stefanescu, a reporter for Ziarul de Iasi, received death threats over the telephone after he reported on alleged illegal hunting in which the then mayor of Movileni locality was involved. A police investigation reportedly showed that the calls came from the mayor's house.

In June, the media reported that, in Targu Ocna, Mayor Stefan Silochi punched a female journalist, Mariuca Bobosa of the local daily Ziarul de Bacau, while she was filming a political rally from her car. Bobosa reported the incident to the police and also filed several court cases against the mayor; authorities were still investigating the case at year's end. Another journalist, Luminita Patrateanu from the daily Monitorul de Bacau, reported that Mayor Silochi had threatened her as well and said he "would kill all journalists" who write critical reports about him.

The media reported that, in June, the former mayor of the city of Bacau had a phone conversation with Sebi Sufariu, of the local newspaper Gazeta de Bacau, in which he threatened the journalist with death. The former Bacau mayor accused the media of being responsible for his election defeat. The newspaper filed a complaint against the former mayor. Similarly, in Vrancea County, daily Ziarul de Vrancea allegedly received repeated pressure and threats from local officials throughout the year, including from the president of the county council.

Journalists and media watchdog groups repeatedly expressed concern that publications printing investigative reporting against the PSD-led government faced direct or indirect pressure to curtail this reporting or change editorial views. In September, 55 journalists from the national daily Evenimentul Zilei signed a public letter protesting editorial pressures from the Swiss owner company Ringier, which was accused of being pressed by the PSD to soften the newspaper's antigovernment tone. Among many other allegations, Evenimentul Zilei reporters asserted that information on an investigation into a business run by the sister of the then prime minister was taken from their computers and printed in another daily published by Ringier, the tabloid Libertatea. The Libertatea article printed only the point of view of the prime minister's sister.

Some Evenimentul Zilei reporters alleged they had been harassed and threatened, particularly during the parliamentary and presidential campaign. In December, a secret services officer allegedly told a reporter that Evenimentul Zilei journalists should tone down their reports, otherwise their lives would "be put in danger." He reportedly said that the journalists might be beaten on

the street when they left their offices and the attack could be disguised as a robbery.

In September, reporters of the national daily Romania Libera similarly initiated a protest against the German owner of the newspaper WAZ. The reporters and the daily's editorial board accused WAZ of attempting to change the newspaper's reporting and editorial tone due to Government pressure.

In October, investigative journalist Cornel Ivanciuc of the Academia Catavencu weekly alleged that he had been indirectly threatened by then Defense Minister Ioan Mircea Pascu. A former Romanian ambassador reportedly told Ivanciuc that Pascu wanted him to "calm down" and "mind his own business" with regard to an investigative report he was researching on a classified document held by the Ministry of Defense. Ivanciuc claimed the ambassador recounted elements of a private telephone discussion with a source about the document, leading Ivanciuc to believe his conversations had been intercepted and taped.

In October, the Senate withdrew the accreditation of the national daily Romania Libera for covering its activities. Romania Libera had printed an article alleging that the PSD general secretary of the Senate promoted employees in exchange for sexual favors. The Senate also asked Romania Libera to apologize publicly for the article. Following pressure from other media outlets, key civil society and legal figures, the Senate restored Romania Libera's accreditation.

In early December, RTV-1 news reporter Alexandru Costache, backed by several of his colleagues, denounced what he called government-pressured censorship and manipulation in an open letter to Evenimentul Zilei, accusing the station of deliberate and biased coverage in favor of the ruling PSD party during the Romanian presidential campaign runoff elections. The day after the letter was published, the station manager threatened Costache and his colleagues with arrest, prompting media NGOs such as MMA and Reporters Without Borders to offer the journalists legal protection and judicial assistance. The station reportedly responded by initiating internal ethics investigations into the journalists' actions.

During the year, there was no progress in several investigations into violence against journalists that occurred in 2003. Authorities failed to find the assailants in a case involving a journalist in Timisoara, who was severely beaten in December 2003. The reporter, who worked for the Timisoara bureau of the influential national daily Evenimentul Zilei, had frequently criticized ruling PSD party officials and their business activities in Timis County. The victim sued the police. Local officials were critical of law enforcement authorities for their lack of progress in the investigation.

Investigators also failed to identify the persons who beat two journalists from Romania Libera and Evenimentul Zilei in July 2003. The journalists had written numerous reports on alleged illegal activities of local authorities and miners' leaders in the region.

In April, authorities arrested several persons in the case of Szoltan Csondy, a journalist in Miercurea Ciuc working for the Hungarian-language paper, Hargita Nepe. Attackers in the hall of his apartment building had seriously injured him in December 2003. The journalist was known for his investigations into the city's underworld, in particular the activities of a local businessman, Istvan Csibi. Authorities arrested Csibi, who was linked to other crimes including attempted murder, robbery, and assault, and several of his accomplices; at year's end, there were more than a dozen court cases underway against Csibi.

During the year, the newspaper Gazeta de Sud appealed court-awarded damages of approximately \$18,000 (600 million lei) to a past prefect of Olt County, Marin Diaconescu, for its reporting on the prefect. The General Prosecutor's Office rejected the appeal.

Laws restricting freedom of speech continued to cause concern among the media and NGOs. The offense of insulting authorities can be punished with a fine. In addition, the Government can punish libel with a prison term of 2 to 24 months, which can be increased to 3 to 36 months if the libel was directed at public officials. In addition, Article 168 of the Penal Code provides criminal penalties for spreading false information aimed at attacking national security. In June, Parliament adopted a new Penal Code which lowered the punishment for libel to 10 to 120 "days-fine," meaning a sentence is given as a number of days and the person receiving the sentence must pay a fine of between \$3.30 and \$33 (100,000 and 1,000,000 lei) for each day. The new Penal Code is scheduled to take effect in June 2005.

There were increased allegations of progovernment bias and self-censorship inside the state-owned Radio Romania (SRR). In April, a group of SRR news reporters made accusations regarding what they called sophisticated censorship in the newsroom. Cerasela Radulescu, one of the protesters, and members of opposition political parties charged that critical statements about former prime minister Adrian Nastase and other PSD officials were often edited out of the stories airing in the main newscasts and moved to other, less watched newscasts. In early December, Radulescu spoke publicly about her case, stating that the situation inside SRR has not changed significantly and that she had to move to another department because of management pressure and impediments to her work.

In March, a producer working for the local station of the state-owned RTV network in Timisoara alleged that network management had dismissed him in order to limit the material on the air.

During the year, a local court in Gorj County rejected a suit that a former editor and producer at the RCS television station brought against the station for failing to take action against RCS management's alleged censorship policies. The editor/producer left her job in March 2003 after her show was cut off in midbroadcast while she was discussing corruption scandals involving



local leaders. In November, a Craiova Court decided that it was indeed a case of censorship and not a technical problem as management insisted. The Court ordered the CNA to sanction the television station.

The Government did not restrict access to the Internet or academic freedom; however, media reported that some sites with anti-PSD content, or that included embarrassing private transcripts from PSD meetings on governmental issues, were attacked or shut down.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. The law provides for unarmed citizens to assemble peacefully, but states that meetings must not interfere with other economic or social activities and may not be held near locations such as hospitals, airports, or military installations. Permits are not required to assemble in some public places. However, when required, demonstration organizers must apply for a permit in advance. Authorities may prohibit a public gathering by notifying the organizers in writing within 48 hours of receipt of a permit request. The law prohibits counterdemonstrations that coincide with scheduled public gatherings. The law prohibits fascist, Communist, racist, or xenophobic symbols (such as statues of war criminals on public land), ideologies, or organizations. Participants in unauthorized demonstrations may be fined.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Political parties are required to have at least 25,000 members to have legal status, a number that some NGOs have criticized as being inordinately high.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, there were some restrictions, and several minority religious groups continued to claim credibly that government officials and Romanian Orthodox clergy impeded their proselytizing and interfered with other religious activities.

The Government requires religious groups to register. However, there is no clear registration procedure. The lack of specific registration requirements made it almost impossible for groups to receive religious status under the law.

The Government gives official religious status to 17 religions. Only these recognized religions are eligible to receive state financial support. Recognized religions have the right to establish schools, receive state funds to build churches, pay clergy salaries, subsidize clergy housing, broadcast religious programs on radio and television, apply for broadcasting licenses for denominational frequencies, and enjoy tax-exempt status. The Government also registered religious groups as either religious and charitable foundations or as nonprofit cultural associations.

The law provides for peaceful religious assembly; however, several minority religious groups again complained that, on various occasions, local authorities and Orthodox priests prevented religious activities from taking place, even when their organizers had been issued permits. The Evangelical Alliance continued to report difficulties obtaining approval to use public halls for religious activities following pressure by Orthodox priests. In some cases, Orthodox priests incited the local population against activities by the Seventh-day Adventist Church, the Church of Jesus Christ of Latter-day Saints, and members of Jehovah's Witnesses. The press reported several instances of Romanian Orthodox clergy harassing members of other faiths, such as pressuring non-Orthodox school children to attend Orthodox religion classes or not allowing members of religious groups to proselytize near Orthodox churches.

Government building permit regulations equally allow recognized and unrecognized religious groups to build places of worship. Although most minority religious groups declared that they had received permits to build places of worship without difficulty, some continued to complain that permits were unduly delayed.

Several religious groups made credible complaints that, in some instances, local police and administrative authorities tacitly supported sometimes violent societal campaigns against proselytizing. In some localities, legal proselytizing was perceived as being directed at adherents of established churches, and conflicts occurred. Members of Jehovah's Witnesses and the Seventh-day Adventist Church continued to report such cases.

Religions with the highest concentration in a locality have the right to teach religion in public schools; however, a number of religious groups, including the Greek Catholic Church, the Baptist Church, Jehovah's Witnesses, and the Seventh-day Adventist Church, reported that they had been unable to hold classes because of the Orthodox clergy's influence. Additionally, the Seventh-day Adventist Church and Jehovah's Witnesses reported cases of children who were pressured to attend Orthodox religion classes.

A 2002 law provides for the restitution of large numbers of religious properties, but not places of worship. Pursuant to this law, religious groups submitted 7,568 property restitution claims by March 2003. Religious minorities frequently did not succeed in regaining possession of these properties, because many housed state offices, schools, hospitals, or cultural institutions that would require relocation, and lawsuits and protests by occupants delayed their physical return. A national commission began

operation in June 2003 to consider restitution on a case-by-case basis. This process of systematic religious property restitution resulted in the return of 574 buildings since June 2003.

The Greek Catholic, or Uniate, Church made only limited progress in recovering properties taken by the Romanian Orthodox Church after their forced merger in 1948. The exclusion of places of worship from the 2002 restitution law primarily affected Greek Catholics; the Communists generally did not seize churches of other faiths. Authorities have returned only a handful of the approximately 2,600 Greek Catholic churches and monasteries taken. Apparently to avoid restitution, the Orthodox Church demolished many Greek Catholic churches under various pretexts, such as being structurally unsafe. A Greek Catholic-Orthodox commission continued to make little progress in resolving the restitution of the Greek Catholic churches from the Orthodox Church. Many courts refused to rule on restitution of Greek Catholic churches because of a 1990 decree mandating that dialogue between the two churches resolve the issue. In August, the Government issued a decree permitting the Greek Catholic Church to resort to court action whenever the bilateral dialogue fails; the Orthodox Church had urged the Greek Catholic Church to choose between dialogue and court action earlier in the year.

The historical Hungarian churches, including the Hungarian Roman Catholic and the Hungarian Protestant Reformed, Evangelical, and Unitarian churches, received only a small number of their properties back. Government decrees ordered the return of 33 buildings out of 1,630 buildings confiscated from those denominations, but they were able to take actual possession of only approximately 20. The 2002 law restituting church property returned 340 buildings to the Hungarian churches. The Jewish community received 42 buildings by government decree, but has obtained full or partial possession of only 29. The community also received back 48 additional buildings since June 2003 under the law on religious property.

In March, unidentified persons broke into a synagogue in Bacau and broke its windows. In August, Nazi and anti-Semitic signs were found on the inside of the walls of the Jewish cemetery in Sarmasu, Mures County. Authorities have not identified the perpetrators in either of these cases. There were no developments in the 2000-2003 desecrations of Jewish synagogues and cemeteries.

The extremist press continued to publish anti-Semitic articles. The Legionnaires (Iron Guard), an extreme nationalist, anti-Semitic, pro-Nazi group, continued to republish inflammatory books from the interwar period. In March, a private television station broadcast a talk show on "Gypsies, Jews, and Legionnaires," which voiced xenophobic, anti-Semitic, and racist views. The station owners did not respond to a protest sent by the Jewish Communities Federation.

Extremists made repeated attempts to deny that Holocaust activities occurred in the country or in Romanian-administered territory. Religious services (services for the dead) for legionnaire leaders continued to be held in individual Orthodox churches.

In June 2003, the Government denied the occurrence of the Holocaust within the country's World War II borders in a communique but subsequently retracted the statement and assumed responsibility for the World War II pro-Nazi regime's crimes against Jews. Although government spokesmen claimed that someone not authorized to do so had inserted the phrase containing the denial, the person responsible was neither identified nor reprimanded. In July 2003, in an interview with an Israeli newspaper, then President Iliescu appeared to minimize the Holocaust by claiming that suffering and persecution was not unique to the Jewish population in Europe. He later said that his interview had been presented in an incomplete and selective way.

In September 2003, the Government released a teaching manual for schools that dealt with Holocaust denial and provided figures for the number of Jews killed, details about concentration camps, death chambers, and the persecution of Roma, homosexuals and Jehovah's Witnesses. However, education on the country's role in the Holocaust was still limited and lacked a unified approach. In October 2003, the Government established an International Committee on the Holocaust in Romania to analyze and to improve public understanding of Holocaust events in the country. In November, the Committee, chaired by Nobel Prize Laureate Elie Wiesel and given full access to archives and other documents, submitted a report on its findings that detailed the history of the Holocaust in the country as well as the commission's conclusions and recommendations on how the Government could foster Holocaust awareness, remembrance, research and education. In May, the Government established an annual Holocaust Remembrance Day on October 9, a date selected to mark the Antonescu regime's initial order for the deportation of thousands of victims from Bassarabia and Bukovina to Transnistria in 1941.

The New Right (Noua Dreapta) organization (a small extremist group with nationalistic, xenophobic views) continued to harass verbally, and sometimes physically, members of the Church of Jesus Christ of Latter-day Saints in Bucharest and Iasi. Many representatives of minority religions credibly complained that private and governmental organizations operating hospitals, children's homes, and shelters for the elderly often permitted only Orthodox priests to provide religious assistance in them. Charitable activities by minority churches in children's homes and shelters often were interpreted as proselytizing. Orthodox priests reportedly denied permission to the Greek Catholic and the Seventh-day Adventist churches to bury members in several rural localities; it was not clear whether church or public cemeteries were involved.

In July, authorities charged an individual with dual Romanian and French citizenship with distributing nationalist-chauvinistic and fascist propaganda; the trial was in progress at the year's end.

In July 2003, a Brasov resident was given a suspended 2½-year sentence for nationalist-chauvinistic and fascist propaganda.

In December, then President Iliescu awarded the Star of Romania, the highest honor awarded by the state, to a politician known for his anti-Semitic and xenophobic views and to a historian noted for denying the participation of the World War II Romanian government in the Holocaust. The actions prompted protests in the media and from international human rights and Jewish community leaders.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign

##### Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice. The law prohibits forced exile, and the Government did not employ it.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In March, the Parliament approved amendments to bring the law on refugees in line with the 1951 Geneva Convention, although the U.N. High Commissioner for Refugees (UNHCR) criticized the brevity of deadlines for court rulings and the appeal process in the amendments. In April, the Government drafted, with the support of the UNHCR and other organizations, a National Strategy on Migration, which outlined the main principles underlying its policy toward refugees. The Government also adopted legislation on integration of refugees in May and on the protection of refugee children in June. The former entitles refugees who are granted a form of protection in the country to employment, accommodation, medical care, social assistance, education, counseling, and Romanian language courses.

A 2003 law forbids expelling foreigners to a country where their lives may be in jeopardy. The law establishes a National Refugee Office (ONR) in the MOAI to receive, process, and house asylum seekers. A Refugee Integration Department was set up within the ONR. The Government reorganized the former Directorate for Foreigners and Migration Issues, which was subordinated to a directorate in the MOAI, under the Alien Authority, which reports directly to the Minister.

In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. During the first 7 months of the year, the ONR received 303 applications for asylum and 92 reapplications. Most of the applicants came from Iraq (91), China (60), and India (49). During the same period, 54 applications were approved.

The Government also provided temporary protection to individuals who did not qualify as asylees or refugees; however, there were reports that the Government denied some applications for refugee status without grounds. According to local NGOs, some individuals who were credible refugees were denied refugee status due to corruption in some agencies and changes in the refugee law that did not apply retroactively. For example, authorities denied the application for refugee status of three Sudanese Christian refugees who entered the country in 2001 on the grounds that they did not meet the criteria for such status. NGOs reported that these grounds for denial appeared to be baseless and that the three Sudanese would face persecution if returned. The ONR later denied the refugees' requests for access to a new procedure on two different applications. Authorities allowed them to stay in the country in a "tolerated status," which denies them access to social assistance and the right to work and move freely about the country. This status was contingent upon their ability to prove each month that they were actively seeking means to remove themselves from the country either to their homeland or another country. Senior officials at the Alien Authority confirmed that, in this status, they could be deported at any time.

There were no voluntary repatriations during the first 7 months of the year.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The Government funded programs to integrate refugees into society; refugee-focused NGOs developed similar programs. However, programs for integrating refugees developed slowly and had very limited funds and resources. There were 3 reception and accommodation shelters in Bucharest and a 20-bed shelter at the Bucharest Airport. The Alien Authority ran a detention shelter for illegal migrants close to the Bucharest Airport. Two additional shelters opened in Galati in May and Timisoara in February, with a capacity of 250 people each.

The MOAI and the Labor Ministry funded programs to assist asylum seekers and refugees, although some experienced repeated administrative difficulties in obtaining protected status due to officials' requests for substantial documentation. Government financial support (reimbursable loans for 6 to 9 months) was minimal and usually not enough to cover basic needs. An increasing number of illegal migrants regarded the country as a transit point to other countries.

#### Section 3

##### Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The country held parliamentary and presidential elections on November 28 and December 12. The parliamentary elections resulted in no political bloc emerging with a clear majority. The center-left PSD initially held 113 seats in the Chamber of Deputies and 46 seats in the Senate; the Romanian Humanist Party (PUR), which ran in alliance with the PSD, received 19 Chamber seats and 11 Senate seats; the center right Liberal-Democratic (PNL-PD) Alliance won 112 Chamber seats and 49 Senate seats; the extreme nationalist Greater Romania Party (PRM) received 48 Chamber seats and 21 Senate seats; and the Democratic Alliance of Hungarians in Romania (UDMR) tallied 22 Chamber seats and 10 Senate seats. In addition, 18 ethnic minority parties were accorded individual seats in the Chamber, as provided in the Constitution. PNL-PD presidential candidate Traian Basescu's victory in the second round led to the formation of a new government at the end of the year by the PNL-PD, in coalition with the UDMR, PUR, and the ethnic minority representatives.

The November 28 parliamentary and first round of presidential elections were characterized by widespread irregularities, precipitated primarily by the Government's decision to abandon use of previously issued electoral identification cards and to allow citizens outside their home districts to vote at any polling place across the country. There were widespread allegations of individuals voting in multiple locations, including some reports that political parties supported these activities. There were also accusations of abuse of the so-called mobile ballot boxes transported to elderly or infirm voters; the prolonged presence of elected officials in polling places contrary to the law; and the placement of campaign posters near polling places in contravention of the law. Civil society organizations and opposition parties also claimed the Central Electoral Bureau allowed fraud to take place at a national level during the electronic tabulation of votes, although subsequent inquiries were inconclusive. The civil society NGO Pro-Democracy announced it would not observe the second round due to the poor execution of the first round, but changed its decision after the Government agreed to take steps to diminish possibilities for fraud.

In the second round of presidential elections on December 12, the Government limited the locations where voters outside of their home districts could vote, reducing the possibilities for multiple voting. However, the lack of sufficient alternate locations and the closure of these locations while many voters were still in line resulted in the disenfranchisement of hundreds and possibly thousands of voters, particularly in major cities. Members of the center-right opposition accused the PSD of intentionally restricting the vote in this manner, as transient voters in urban areas have historically supported the center-right. There were credible reports in some precincts that local officials or partisan election monitors instructed citizens on how to vote and instances of campaign posters being placed too close to polls.

In June, the country held two rounds of elections for mayors and county and city councils. International and civil society election observers noted some problems, primarily related to allegations of campaigning and other political activities on election day and near polling places, despite legal prohibitions. There were also some reports of abuse of mobile ballot boxes. In Cluj County, NGOs expressed concern that voters who turned 18, the legal voting age, between the two rounds of elections were not permitted to vote in the second round although they were apparently permitted to do so in other parts of the country. Observers noted that many discrepancies appeared to result from varying interpretations of sometimes vague voting regulations and procedures, rather than from any clear attempt by local or national electoral officials to influence outcomes.

The October 2003 referendum on proposed amendments to the Constitution was characterized by widespread efforts by government officials to ensure that it met the minimum 50 percent voter turnout required for the referendum to be legally valid. Civic action groups reported some notable irregularities, including political pressure on and by locally elected leaders and special lotteries and other material incentives to bring out the vote, and there were allegations of mobile ballot box abuse.

The Government made limited progress toward combating high-level corruption. During the first half of the year, Parliament passed legislation that in effect softened anticorruption laws affecting high officials and public servants. Implementation of other anticorruption legislation remained poor. There were no convictions of high officials, despite the media focus on a series of corruption cases involving members of the Cabinet and the ruling party.

At the same time, the Government took new measures to fight systemic corruption. It enacted legislation requiring certain public officials to file an asset disclosure statement, complementing anticorruption laws adopted in 2003 that clarified the definition of conflict of interest. The National Anticorruption Prosecutor's Office (PNA) is authorized to investigate charges of corruption based upon the offender's status as a public official, the amount of money involved in the corrupt activity, or the amount of loss to the public. Owing to a flood of minor cases inhibiting the PNA's work, an emergency ordinance was introduced during the year to restrict the PNA's jurisdiction to cases involving higher amounts of money--over \$135,000 (100,000 euros)--or high-level government officials.

During the first 6 months of the year, the PNA opened 1,645 criminal investigations, of which 604 were resolved. A total of 91 cases involving 436 offenses and 221 individuals went to trial; a third of these cases involved persons in management positions. Of the cases that went to trial, 53 have resulted in the conviction of a total of 99 individuals.

In 2003, the PNA reported investigating 2,229 cases, of which it solved 951 cases and declined 563 cases for lack of jurisdiction; the remaining 751 cases were continued. In the resolved cases, the PNA drafted 146 indictments and tried 548 persons for a total of 1,428 alleged offenses. Almost two-thirds of those charged were in management positions, including an ex-minister, 2 government counselors, the head of a government agency, a prosecutor, a judge, a mayor, 42 directors and inspectors, 26 financial or banking clerks, 130 police officers, 6 public servants, 6 public order officers, 10 customs officers, 5 legal advisors, 5 financial guard officers, 20 military officers and noncommissioned officers, a lawyer, 2 university professors, and 90 administrators of commercial companies. Only 22 of the 548 persons sent to trial received final sentences, which averaged 3 years and 2 months in custody. Since late 2002, the PNA has convicted approximately 250 persons, or a quarter of those sent to

trial.

During the year, the PNA received authorization to add 94 new positions to its investigative staff and to increase the staff salaries, which already ranked among the highest in the judiciary.

The PNA's mandate is to prosecute corruption at all levels without regard to the political affiliation of the accused. Although constitutional amendments in 2003 removed a number of procedural immunities that limited the prosecution of high public officials, the PNA has not yet demonstrated the ability to prosecute officials at this level successfully. Instead, PNA investigations of high officials tended to focus on members of former administrations, contributing to questions about the PNA's impartiality. In addition, prosecutors are obligated to open an investigation when presented a complaint that meets certain minimum standards. This made prosecutorial institutions less vulnerable to political influence, as all cases meeting minimum standards are investigated; however, it created a potential for persons to misuse the complaint process to gain political or economic advantage over a competitor.

Although the law limits the areas in which Members of Parliament may maintain a private legal practice, there was no visible enforcement mechanism for this rule.

The country has a transparency law that provides for transparency of decisionmaking. While the transparency law does not specifically require the Government to provide documents or information in response to citizens' requests, a separate law regarding freedom of information requires all public institutions to answer such inquiries. In practice, political decisionmaking was typically carried out with little transparency. The transparency law requires all central and local elected or appointed public administration authorities to make public draft laws and to consult with citizens and NGOs; however, authorities in areas of national defense and security, public order, and country's political and economic strategic interests, and other areas with classified information are exempted. In most cases, the authorities considered consultations with the civil society a formality. NGOs reported that, even when asked their opinion during the year on a draft law, the Government often ignored their proposals. The press is not allowed to attend the debates of the parliamentary commissions. Some ministries, such as the Ministry of Information Technology and Communications, complied with the consultation requirements, but not all did so.

While the law does not restrict women's participation in government or politics, societal attitudes were a significant barrier. In the new Parliament, 38 of 332 deputies and 13 of 137 senators were women. None of the 42 county prefects (appointed representatives of the central Government) who served under the PSD government were women. At year's end, the newly elected PNL-PD Government had appointed only 36 of the 42 prefects, of which 1 was a woman. There were 3 women in the new 25-member Cabinet.

There were 50 members of minorities in the 469-seat Parliament. The Constitution and law grant each recognized ethnic minority one representative in the Chamber of Deputies if the minority's political organization cannot obtain 5 percent of the votes needed to elect a deputy outright. Organizations representing 18 minority groups qualified for deputies under this provision in November.

Ethnic Hungarians, represented by the UDMR, obtained parliamentary representation through the normal electoral process. Roma were underrepresented in Parliament, having only one representative; low Romani voter turnout and internal divisions within the Romani community worked against the consolidation of votes for any single candidate, organization, or party. There were two Romani parliamentarians. During the year, the PSD had protocols of cooperation in effect with the German, Hungarian, and Romani minorities.

#### Section 4

##### Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to NGOs, although some offices were slow to respond to inquiries.

Domestic human rights monitoring groups included APADOR-CH, the League for the Defense of Human Rights (LADO), the Romanian Institute for Human Rights, Pro Europa League, the Open Society Foundation, the Institute for Public Policy, and several issue-specific groups such as the Center for Independent Journalism, the Media Monitoring Agency, Accept, Romani CRISS, the Pro Democracy Association, and a local office of Transparency International. Other groups, such as political parties and trade unions, also monitored the observance of human rights. These groups, as well as international human rights organizations, functioned freely without government interference.

An ombudsman's office worked to protect citizens from abuse by public officials. In the first 9 months of the year, the office received 2,754 complaints, many of which it rejected because they involved problems requiring judicial action, which power the ombudsman's office does not possess. The office, which dealt not only with human rights, but also with all facets of citizens' interaction with the Government, was only moderately effective due to its limited authority and resources.

#### Section 5

##### Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution forbids discrimination based on race, nationality, ethnic origin, language, sex, opinion and political allegiance, wealth, or social background; however, in practice, the Government did not enforce these provisions effectively, and women, Roma, and other minorities were subject to various forms of discrimination.

The law prohibits discrimination based on a number of factors and enables persons to sue on the grounds of discrimination. In August 2003, a new ordinance increased fines for discriminatory acts up to approximately \$1,200 (40 million lei). The National Council on Combating Discrimination is responsible for enforcing this law.

#### Women

Violence against women, including rape, continued to be a serious problem. Both human and women's rights groups reported that domestic violence was common. According to a 2002 U.N. survey, 45 percent of women have been verbally abused, 30 percent physically abused, and 7 percent sexually abused. While the law allows police intervention in domestic violence cases, there is no specific law to address spousal abuse or rape. The prosecution of rape cases was difficult because it required both a medical certificate and a witness, and a rapist could avoid punishment by marrying the victim. The successful prosecution of spousal rape cases was almost impossible. In June 2003, the Government moved responsibility for controlling domestic violence from the Ministry of Health to the Ministry of Labor and Social Solidarity. In January, the National Agency for Family Protection, an entity reporting to the Ministry of Labor and Social Solidarity, assumed responsibility for domestic violence cases. The law provides the same penalties for rape and sexual abuse without regard to the victim's gender; however, implementing regulations have not been completed.

There were reports of trafficking in women (see Section 5, Trafficking).

The Constitution grants women and men equal rights; however, in practice, the Government did not enforce these provisions, nor did authorities focus attention or resources on women's issues.

The law prohibits any act of gender discrimination, including sexual harassment. Few resources were available for women to deal with economic discrimination. Despite existing laws and educational equality, women had a higher rate of unemployment than men, occupied few influential positions in the private sector, and earned lower wages. A department in the Ministry of Labor and Social Protection was responsible for advancing women's concerns and family policies, including organizing programs for women, proposing new laws, monitoring legislation for sexual bias, targeting resources to train women for skilled professions, and addressing the problems of single mothers. There is an ombudsman in the Department for Child, Woman, and Family Protection to resolve complaints of discrimination.

#### Children

The Government administered health care and public education programs for children, despite scarce resources that limited the availability of services. International agencies and NGOs supplemented government programs in these areas.

Education was free and compulsory through the tenth grade. After the tenth grade, schools charged fees for books, which discouraged attendance for lower income children, particularly Roma. During the 2002-03 school year, approximately 99.8 percent of primary school-age children attended school, including kindergarten, according to the Ministry of Education. Overall, participation in the compulsory education system through grade 10 increased to 72.9 percent in 2002-03. The dropout rate during the 2002-03 school year was 1.25 percent in the compulsory education system.

The vast majority of HIV/AIDS cases in Romania (75.9 percent) involved children less than 14 years old. The National Union of the Organizations of Persons Affected by HIV/AIDS (UNOPA) reported that many children infected with HIV/AIDS suffered from interruption of treatment, limited access to schools, and delayed food allowances.

In June, Parliament passed comprehensive child welfare legislation that addresses children's rights, including establishing a children's court. The law is scheduled to take effect in January 2005; implementing legislation was adopted in August. During the year, children's courts mandated by the law became operational in two cities, Brasov and Iasi. Parliament also adopted new standards for providing services to abused and neglected children.

New adoption legislation nearly halted foreign adoption by limiting international adoptions to grandparents. At year's end, hundreds of cases that were in process when the law passed remained pending. The legal prohibition of foreign adoption and an increasing rate of child abandonment in hospitals (5,000 in 2003 and 2,500 by June) strained government resources.

Laws to protect children from abuse and neglect were inadequate, and there were reports that abuse of children was a problem. While there are criminal penalties, there was no consistent policy or procedure for reporting child abuse and neglect and no system for treating families who abuse their children. A task force coordinated by the National Authority developed standards, training, policies, and procedures for dealing with the problem.

Although illegal, marriages between Romani children under the age of consent were common. In October 2003, the Government ordered a 12-year-old Romani girl and a 15-year-old Romani boy separated and all intimate relations between them halted after

a highly publicized marriage. However, human rights groups and the media reported that such marriages continued, frequently without notice or intervention by authorities.

Trafficking in girls for the purpose of forced prostitution was a problem (see Section 5, Trafficking).

Living conditions have improved in most childcare institutions in recent years. More than half of the 106,000 children in public care were placed with families (extended family, foster care), while the number of children remaining in state residential care (including special schools) dropped to 26,600. In practice, children below the age of 2 were no longer placed in institutions, but were instead placed with foster parents or extended families. A methodology for the closure of large residential institutions was being implemented; 50 large institutions were closed in 2003, although 62 traditional, dormitory-style institutions still housed over 100 children each. By April, 560 prevention and family reintegration services had been established (mother and baby centers and counseling services).

A growing number of services were available to support children with disabilities and their families to prevent their removal from home.

Child labor was a problem (see Sections 5, Trafficking and 6.d.)

A number of impoverished and apparently homeless children were visible on the streets of larger cities. While the Government did not have statistics on scope of the problem, police reports and social workers' estimates have placed the number of street children nationwide at 1,500. This number was lower than had been estimated in the past and questionable, given that street children were extremely difficult to count.

Approximately half of the children remaining in the large childcare institutions were between the ages of 14 and 18. Without changes to the system, a significant number were likely to leave these institutions with no skills and employment and no ability to earn a living or obtain housing. There was no systematic provision of labor market information, skills training, or job placement services for such persons and there was a high probability that they would gravitate to the streets, engaging in prostitution or crime. Although independent living programs were more widespread, a growing number of young persons were in need of these services.

The law requires the National Agency for Employment to provide up to 75 percent of the median national salary to employers for hiring persons between 16 and 25 years who are at risk of social exclusion. Effective January 2005, the new law provides that youth leaving the state institutional system may receive state assistance for an additional 2 years, during which they would receive skills training for independent living.

NGOs working with children remained particularly concerned about the number of minors in prison and continued to seek alternative solutions, such as parole (see Section 1.c.). Because time served while awaiting trial counts toward prison sentences, but not toward the time to be served in a juvenile detention center, some minors actually requested prison sentences.

#### Trafficking in Persons

The law prohibits trafficking; however, trafficking in persons continued to be a serious problem. There were some reports of police involvement in trafficking.

The law defines trafficking as the use of coercion to recruit, transport, harbor, or receive humans for exploitation. Coercion includes fraud or misrepresentation. Exploitation includes slavery, forced labor, prostitution, performance in pornographic films, organ theft, or other conditions that violate human rights. For minors under the age of 18, it is not necessary to prove coercion.

The law provides for 3 to 12 years' imprisonment for trafficking in minors between 15 and 18 years of age. Sentences are increased to 5 to 15 years for trafficking in minors under age 15, if there are two or more victims, or if a victim suffers serious bodily harm or health problems. The sentence for trafficking that leads to the death or suicide of the victim is 5 to 25 years. These penalties are increased by 3 years if the trafficker belongs to an organized crime group and by 2 years if coercion is applied against minors. Initial consent of a trafficked person does not exempt the trafficker from liability.

The Government increased its efforts against trafficking, and police officers continued to pursue cases via their Human Trafficking Task Force. The police assigned 15 officers at headquarters in Bucharest and over 87 officers in 15 zonal centers across the country to investigate trafficking. Of the 87 officers assigned to zonal centers, 42 were women who had received training in antitrafficking procedures. They continued to expand interagency and local resources assigned to trafficking, and the Government established itself as a strong participant in regional law enforcement cooperation. In addition, the Government, through the Interministerial Working Group (IWG), began the process of creating an office at the national level, which would coordinate all trafficking-related matters and focus on the protection of victims. During the first 9 months of the year, police identified a total 964 victims of trafficking (573 women, 391 men). Of this number, 217 were minors (80 boys, 137 girls). A total of 934 individuals were under investigation for violations connected with trafficking, and, as of September, police had arrested 162 suspects and dismantled 208 trafficking networks. Authorities obtained 74 final convictions under the new trafficking laws. This contrasted with 2003, when police identified 658 crimes, investigated 488 persons and arrested 146, and dismantled 210

groups.

The country was a member of the Southeast European Cooperative Initiative (SECI) Center, a multinational organization composed of 12 governments with the purpose of combating transborder crime in the region. The Government participated actively with other SECI members in carrying out operations against trafficking. In February, with the facilitation of the Romanian Human Trafficking Taskforce manager, sex trafficking victims from Moldova testified in a Serbian court, which resulted in prison terms for 14 traffickers. In May and June, investigators from Romania and Turkey interviewed victims of a sex-trafficking ring in Turkey, which resulted in the arrest of five offenders and the immediate repatriation of five Romanian women. In July, a prosecutor and a police officer traveled from Bucharest to Spain to help shut down a Romanian operation which had trafficked 40 women.

During the year, the Prosecutor General's office had prosecutors in place throughout the country to prosecute trafficking and related cases. The Government prosecuted a few cases of pimping during the year. Prosecutions based on indictments under the trafficking law continued.

In September, the Government participated in the launch of the SECI Regional Anticrime Center's Operation Mirage 2004, which was aimed at countering trafficking and illegal migration in the Balkan region. During the operation, police identified 393 Romanian victims and 261 traffickers, and arrested or charged 130 traffickers.

The country was an origin and transit point for trafficked women and girls from Moldova, Ukraine, and other parts of the former Soviet Union who were trafficked to Bosnia, Serbia and Montenegro (including Kosovo), Macedonia, Turkey, Albania, Greece, Cyprus, Italy, France, Germany, Hungary, the Netherlands, Poland, Spain the United Arab Emirates, Japan, and South Korea for sexual exploitation. Due to changing trafficking patterns, the International Organization for Migration (IOM) noted that it was not possible to estimate accurately the number of trafficked women. In 2003, the route of trafficking and the modus operandi changed. Recent trends indicated that traffickers rented private apartments, rather than using public bars and brothels, to conduct their illicit activities. Clandestine locations complicated the already difficult task of finding the victims and allowed traffickers to operate with less concerns about local authorities. In 2003, fewer victims were trafficked to the former Yugoslavia and a higher number of victims were trafficked to Western Europe. However, trafficking routes generally went from the border with Moldova to all Balkan countries. This pattern did not change during the year. Iasi and Timisoara remained major transit centers. While victims were primarily women and girls trafficked for sexual exploitation, there were reports that men were trafficked to Greece for agricultural labor.

For the year, the IOM reported that it assisted 130 trafficking victims, all of who were female, and 16 of who were minors. Of these, 120 victims were repatriated back to the country, and 21 were provided with integration assistance.

As of June, the country had approximately 34,000 children in orphanages, some of which reportedly paid insufficient attention to the dangers of girls being trafficked from their facilities. Persons forced out of orphanages between the ages of 16 and 18 often had no identity documents, very little education, and few, if any, job skills. NGOs believed that many girls from orphanages were unaware of the danger and fell victim to trafficking networks.

Women were frequently recruited by persons they knew or by newspaper advertisements. A friend or relative would make the initial offer, often telling the victim that she would obtain a job as a baby sitter or waitress. According to the IOM, most women were unaware that they would be forced into prostitution. A minority of trafficked women were sold into prostitution by parents or husbands or kidnapped by trafficking rings. Government officials reported that trafficking rings appeared to be operated primarily by citizens; several domestic prostitution rings were active in trafficking.

The Government continued to recognize that corruption in the police, particularly local forces, was a problem. The majority of the corrupt officers work for the Border Police and the Customs Agency. The Government continued training and made personnel changes in law enforcement agencies to improve the response to trafficking. Police continued to investigate suspected trafficking through border crossing checks, with Border Police questioning victims and attempting to identify traffickers. Organized Crime Directorate officers assigned to investigate trafficking questioned suspects who were identified by victims.

The law requires the Government to protect trafficking victims and authorizes undercover operations and electronic surveillance against traffickers. The law also eliminates criminal penalties for prostitution if the victim surrenders to authorities or cooperates in the investigation of traffickers.

The Government generally provided little aid to repatriated victims. The IOM, the MOAI, and a small number of local NGOs dealt with trafficking issues. The IOM and the MOAI continued to operate a shelter in Bucharest for up to 10 victims with the assistance of Romanian Orthodox Church social workers, NGOs in Bucharest, and the National Office for Refugees. The NGO Reaching Out continued to operate a shelter in Pitesti, and the local NGO Alternative Sociale continued to operate a shelter in Iasi with support from the IOM, the Orthodox Church, and limited support from the Government. The Government opened two of the nine shelters required by law, one in Mehedinti and the other in Timis.

During the year, numerous media stories and antitrafficking messages on government-sponsored television raised awareness of the problem. All relevant ministries participated in an IOM-coordinated Counter Trafficking Steering Committee and the IOM, with some support from foreign governments, continued its campaign to increase awareness of the problem.



### Persons with Disabilities

Difficult economic conditions and serious budgetary constraints contributed to harsh living conditions for those with physical or mental disabilities. In February, 18 psychiatric patients in a Poiana Mare hospital died as a result of malnutrition and hypothermia. In response to these deaths, international human rights organizations targeted psychiatric hospitals in the country. A May Amnesty International (AI) report expressed concern that the placement, living conditions, and treatment of patients in several psychiatric wards and hospitals violated international human rights standards and best practices. AI urged the Government to reform the psychiatric health system. The Ministry of Health responded by issuing an order to increase the daily food allocation for psychiatric patients from approximately \$1.50 (53,000 lei) per day to approximately \$2.00 (70,000 lei). In April, the GOR allocated \$1.8 million (60 million lei) to fund the Ministry's order and to rehabilitate seven psychiatric hospitals, including the hospital in Poiana Mare.

Outside of large institutions, social services for persons with disabilities were almost nonexistent. Many persons with disabilities could not make use of government provided transportation discounts because public transport did not have facilitated access. The law does not mandate accessibility for persons with disabilities to buildings and public transportation. In practice, the country had few facilities specifically designed for persons with disabilities. Very few handicapped parking spaces were available, virtually no public buildings were designed for wheelchair access, and most restrooms had no special areas for the physically challenged. Major shopping malls throughout the country were similarly ill equipped; only a few supermarkets in Bucharest had designs that enabled easy access.

In July, Parliament passed a law to amend the existing legislation on special protection and employment of persons with disabilities. The new law increased benefits for blind persons and for persons with serious disabilities.

### National/Racial/Ethnic Minorities

The Department for Interethnic Relations and the National Office for Roma were responsible for monitoring the problems of ethnic minorities, maintaining contacts with minority groups, submitting proposals for draft legislation and administrative measures, maintaining links with local authorities, and investigating complaints. The Constitution authorizes citizens belonging to national minorities to express themselves in their mother tongue before courts of law.

In March, Parliament passed a law on local elections that potentially discriminated against some minority organizations by defining "national minorities" as only the ethnic groups represented in the Council of National Minorities and requiring that these organizations meet more stringent requirements to participate in local government compared to minority groups that were already represented in Parliament. For example, an organization of ethnic Hungarians, the Civic Union Of Hungarians, had to provide lists of at least 25,000 members from at least 15 counties and Bucharest, with at least 300 members in each county, in order to run candidates in the local elections, despite the fact that the UDMR is already in Parliament and allowed to run without providing proof of membership. The Law on General elections, adopted in September, included a similar provision.

Ethnic Hungarians are the largest minority, comprising 1.4 million persons, according to the 2002 census. The UDMR party was in a de facto political alliance with the ruling minority PSD Government. Beginning in 2001, the UDMR signed annual protocols of cooperation with the PSD. After the November and December national elections, the UDMR changed its allegiance and joined the new governing coalition led by the PNL-PD Alliance.

A government decree permits students in state-funded primary and secondary schools to be taught in their own language, with the exception of secondary school courses on the history and geography of the country. In the Moldavia region, some in the Roman Catholic Csango community, who speak an archaic form of Hungarian, repeatedly complained that there was no schooling available in their language. They established two school groups with Hungarian as the language of instruction in schools in Pustiana and Cleja during the 2002-03 school year. This initiative was expanded to 9 groups in 7 localities for the 2003-04 school year and to 24 groups in 9 localities, totaling 450 students, for the 2004-05 school year. However, they could not hold religious services in the community in their mother tongue, because of the opposition of the Roman Catholic Bishopric.

According to the 2002 census, the Romani population numbered 535,250, or 2.5 percent of the population. However, a 2004 European Commission report on health policy and the European Union estimated that the Romani population was between 1.8 and 2.5 million. The World Health Organization (WHO) reported that the Romani population represented approximately 10 percent of the total population. Romani groups complained that police brutality, including beatings and harassment, was routine (see Section 1.c.). According to the Government, only 27 percent of Roma had steady jobs and only half of those jobs were considered skilled. Illiteracy among Roma older than 45 years of age was approximately 30 percent.

Some schools, such as in Cehei (Salaj County), Tg. Frumos (Iasi County), Geoagiu (Hunedoara County), Ardasat (Maramures County), Tg. Jiu (Gorj County) and others segregated Romani children. In April, following complaints by several NGOs that monitored such situations, the Ministry of Education prohibited segregation in schools by a notification that was not legally binding; Romani NGOs are presently pressing for the issuance of an order to this effect.

The National Council on Combating Discrimination received 157 public complaints during the first half of the year, of which 62 were resolved. The Council initiated another 17 cases from its own findings, bringing the total to 174 cases. Of the 62 resolved cases, the Council identified 12 cases of discrimination, applying 2 fines and 10 reprimands. Of these, three of the complaints

involved discrimination against Roma, one against the Jewish community, and one against ethnic Hungarians. The Council set up a National Antidiscrimination Alliance, a forum for discussion with NGOs, in March 2003 and drafted a National Antidiscrimination Plan in September 2003.

Romani CRISS continued to monitor cases of alleged human rights violations in 10 counties and Bucharest. Human rights monitors followed 12 cases documented in 2003 and identified 27 new cases in these counties. Of the 27 cases, 20 involved discrimination, while 7 were cases of violence or abuse against Roma.

The Romani population continued to be subject to societal discrimination. A 2003 survey by the Press Monitoring Agency showed that approximately 80 percent of the television news on Roma concerned conflict-generating events, such as illegal migration and police raids in Romani communities, and used images reflecting stereotypes.

Romani NGOs asserted that, with the exception of setting up implementing bodies, the 2001 National Strategy for the Improvement of the Situation of Roma had few practical results. The National Office for Roma maintained a database on the living conditions and needs of the Romani community. However, the office was understaffed and undertrained, and its approximately \$1.9 million (64 billion lei) budget was insufficient to implement the strategy.

During the year, little progress was made with regard to the implementation of the partnership protocol, signed by the Health Ministry and the Roma Party in 2001, that sets forth cooperative measures to ensure that Roma have access to health care. In 2003, Romani CRISS maintained a training program (with private funding) for Romani health mediators in cooperation with the Ministry of Health, and the Directorate of Public Health hired 160 such mediators. Romani CRISS and the Health Ministry continued their cooperation.

Romani CRISS was also involved in a national program of training police on conflict management and human rights. Police from 30 counties were trained on these issues.

#### Other Societal Abuses and Discrimination

Although homosexuality was decriminalized in 2001, NGOs complained that there was still a high degree of hostility against homosexuals, including violence by police (see Section 1.c.). NGOs claimed that this hostility prevented the reporting of some harassment and discrimination. Members of the gay and lesbian community also voiced concerns about discrimination in public education and health care systems.

The National Union of the Organizations of Persons Affected by HIV/AIDS (UNOPA) monitored the treatment of persons, many of them children, who were infected with HIV/AIDS. The number of cases of abuse decreased from 789 to 317, compared to the previous year. Half of the total cases were due to health system deficiencies. Some of the problems included denial of access to dentistry and dermatological services (7 cases), interruption of treatment due to poor hospital management, and interruption of treatment monitoring due to lack of monitoring tests. The UNOPA report, which covered only 15 of the 41 counties in the country, also included cases of limited patient access to education and delayed food allowances. Breaches in confidentiality were reported in 3 percent of the cases. According to UNOPA, the principle of confidentiality and the right to work were sometimes disregarded in cases of persons with HIV. For example, some employees reportedly were hired and fired according to their HIV status in violation of the labor laws.

#### Section 6 Worker Rights

##### a. The Right of Association

All workers, except certain public employees, have the legal right to associate freely and to form and join labor unions without previous authorization, and they freely exercised this right. Ministry of Defense, MOAI, and intelligence personnel are not allowed to unionize. The majority of workers were members of one of approximately 18 national trade union confederations and smaller independent trade unions. Workers cannot be forced to join or withdraw from unions, and union officials who resign elected positions and return to the regular work force are protected against employer retaliation.

The right to form unions generally was respected in practice. However, some employers have created enterprise-friendly unions. Some unions claimed that the Government interfered in trade union activities, collective bargaining, and strikes, and alleged that union registration requirements were excessive.

The law prohibits antiunion discrimination, and the Government generally respected this prohibition in practice.

##### b. The Right to Organize and Bargain Collectively

The law provides workers the right to bargain collectively, but collective bargaining was hindered by state control of many industrial enterprises and the absence of independent management representatives at these entities. Contracts resulting from collective bargaining were not consistently enforced. Basic wage scales at state owned enterprises were established through

collective bargaining with the Government. Public employees could not bargain for salaries, which were set by the Government. Unions claimed that downsizing decisions resulting from agreements with international financial institutions violated labor agreements.

The collective labor dispute law establishes the conciliation, mediation, and arbitration procedures that must be followed during strikes. The law provides for establishment of tripartite arbitration panels from arbitrators approved by the Economic and Social Council, where trade unions and employers' associations each have one-third of the membership. Nevertheless, mediation capability has not developed fully. Local panels were poorly trained, and unions continued to take disputes to the Government for resolution.

Lengthy and cumbersome conditions made it difficult to hold strikes legally. Unions may strike only if all conciliation means have failed and they give the employer 48 hours notice. Strikes for political reasons are prohibited. Companies can claim damages from strike organizers if a court deems a strike illegal. Unions complained that they must submit their grievances to government-sponsored conciliation before initiating a strike, and that the courts had a propensity to declare the majority of strikes illegal. Judges, prosecutors, and related Ministry of Justice staff are prohibited from striking, as are Ministry of Defense, MOAI, and intelligence service employees. As in the past, fear of job loss due to privatization motivated many strikes.

Labor legislation is applied uniformly through the country, including in the 6 free trade zones and the 31 disadvantaged zones.

#### c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including by children; however, there were reports of Romani children involved in child labor and trafficking (see Sections 6.d. and 5, Trafficking).

#### d. Prohibition of Child Labor and Minimum Age for Employment

Child labor legislation was adequate; however, enforcement tended to be lax except in extreme cases, most notably those that attracted media attention, and child labor remained a problem. The Government recognized that child labor was a problem and continued to make progress in eliminating the worst forms of child labor.

The minimum employment age is 16 years, but children may work with the consent of parents or guardians at age 15, although only "according to their physical development, aptitude, and knowledge." Minors are prohibited from working in hazardous conditions. Violations of the child labor laws are punishable by imprisonment for periods of 2 months to 3 years. Working children under the age of 16 have the right to continue their education, and the law obliges employers to assist in this regard. The Ministry of Labor and Social Protection has authority to impose fines and close factories to ensure compliance with the law.

In May, the Ministry of Labor, Social Solidarity and Family issued jointly with UNICEF and the ILO a report on child labor which estimated that 3.9 million of the 5.6 million children in the country were "economically active." Over 300,000 (approximately 7 percent) were "child laborers," working without any contractual arrangements in agriculture or low skilled jobs, while 900,000 (19 percent) were working in households, especially in rural areas. Approximately 300,000 (6 percent) were engaged in hard work activities, while 60,000 to 70,000 (more than 1 percent) were involved in the "worst forms of child labor," including hazardous work, sexual exploitation, forced labor, trafficking, or criminal activity. This last category included more than 3,000 "street children" in the country. Child labor, including begging, selling trinkets on the street, or washing windshields, remained widespread in the Romani community; children engaged in such activities could be of any age.

A department in the Prime Minister's office is responsible for child protection. The Government established organizations in the counties and in Bucharest to enforce child welfare laws. The roles and responsibilities of the agencies that enforce child labor laws remained ill defined, and these laws were often enforced only when a particularly grave case became public. Despite the prevalence of child labor, there were no reports of anyone being charged or convicted during the year under any of the child labor laws.

With ILO support, the Government began implementing a comprehensive program to eliminate child labor that included measures to prevent the increase of child labor in both urban and rural areas; build the capacity of government and NGOs to address child labor cases; research the extent and nature of the child labor; and raise public awareness of the problem. The program's strategy was to identify vulnerable groups and initiate measures in partnership with government agencies, trade unions, universities, and NGOs.

#### e. Acceptable Conditions of Work

Most wage rates were established through collective bargaining at the enterprise level and based on minimum wages for specific economic sectors and categories of workers. The Government set these minimums after negotiation with industry representatives and labor confederations. Minimum wage rates generally were observed and enforced. During the year, the minimum monthly wage was raised from approximately \$72 (2.5 million lei) to approximately \$85 (2.8 million). The minimum monthly wage did not provide a decent standard of living for a worker and family.

The law provides for a standard workweek of 40 hours or 5 days, with overtime paid for weekend or holiday work or work in excess of 40 hours, but not to exceed 48 hours per week. The code requires a 24-hour rest period in the workweek, although most workers received 2 days off per week. Paid holidays range from 18 to 24 working days annually, depending on the employee's length of service. The law requires employers to pay additional benefits and allowances to workers engaged in particularly dangerous or difficult occupations.

Neither the Government nor industry improved workplace health and safety conditions significantly. The Ministry of Labor, Social Solidarity, and Family established and enforced safety standards for most industries. However, it lacked trained personnel for enforcement, and employers often ignored its recommendations. Workers have the right to refuse dangerous work assignments but seldom invoked it in practice.